

HONORABLE JUSTIN L. QUACKENBUSH

Mr. Stewart R. Smith
Lacy & Kane, P.S.
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICHARD S. ROBBINS,)	
)	
Plaintiff,)	NO.
)	
vs.)	AMENDED COMPLAINT
)	FOR NEGLIGENCE, FALSE
BENTON COUNTY, YAKIMA)	ARREST, FALSE
COUNTY, TIMOTHY DUNN,)	IMPRISONMENT, AND
DAVID CLARK, and WADE)	VIOLATION OF CIVIL RIGHTS
FORSYTHE,)	(42 U.S.C. § 1983)
)	
Defendants.)	
)	

COMES NOW the Plaintiff who states and alleges:

I. PARTIES, JURISDICTION, AND VENUE

1.1 Plaintiff, Richard S. Robbins (hereinafter referred to as “Robbins”), is a resident of Chelan County, Washington.

1.2 Defendant Yakima County is a municipal corporation.

1.3 Defendant Benton County is a municipal corporation.

1.4 Defendant Timothy Dunn was an employee of the Benton County Sheriff’s Office at all times relevant herein.

1.5 Defendant David Clark was an employee of the Benton County Sheriff’s Office at all times relevant herein.

1.6 Defendant Wade Forsythe was an employee of the Benton County Sheriff’s Office at all times relevant herein.

1.7 All acts and/or omissions occurred in Yakima and Benton counties.

1.8 Among the actions alleged, Robbins brings an action pursuant to 42 U.S.C. § 1983. Jurisdiction is conferred by 42 U.S.C. § 1988. Robbins further invokes the pendant jurisdiction of this Court to hear and decide claims arising out of state law.

1.9 Venue is proper in the United States District Court for the Eastern District of Washington.

II. FACTS

2.1 Robbins failed to appear in Yakima County Superior Court on January 8, 2004. A bench warrant was issued for his arrest.

2.2 Robbins appeared on January 9, 2004, in the Yakima County Superior Court. The bench warrant was quashed.

2.3 A felony judgment and sentence were entered against Robbins in the Yakima County Superior Court, Cause No. 03-1-02057-1, on January 20, 2004.

2.4 Robbins was detained by authorities for another matter in Benton County. He was transported to and held in the Benton County jail beginning January 20, 2004.

2.5 Robbins pled guilty to a charge of driving while license suspended, second degree, during the morning of January 23, 2004.

2.6 Robbins returned to the Benton County Jail and expected to be released. After some time, Robbins inquired why he had not been released. Robbins was told by Benton County Jail staff that there was some confusion concerning his status. Robbins was later told that there was a warrant for his arrest issued by Yakima County.

2.7 Robbins stated to Defendant David Clark and Defendant Wade Forsythe that he had paperwork with his possessions which would indicate that there

1 was no warrant for his arrest. Claimant received the response from Wade Forsythe,
2 “It’s not our problem. This is Yakima County’s problem.” David Clark told Robbins
3 there was nothing he could do. Robbins remained in jail.
4

5 2.8 On Saturday, January 24, 2004, Defendant Timothy Dunn, a
6 corporal with the Benton County Sheriff’s Department, reviewed Robbins’s
7 paperwork. Timothy Dunn commented, “It looks like you are right, but it’s not our
8 problem.”
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10

11 2.9 Robbins asked Dunn that he be presented before a judge and show
12 the judge the paperwork. Dunn responded, “No.”
13

14 2.10 Robbins was transported to Yakima County on Tuesday, January
15 27, 2004.
16

17 2.11 Robbins informed Yakima County jail staff that he was being held
18 unlawfully. After jail staff for Yakima County investigated, Robbins was released
19 from custody.
20

21 **III. FIRST CAUSE OF ACTION**
22 **(AGAINST BENTON COUNTY, TIMOTHY DUNN,**
23 **DAVID CLARK, and WADE FORSYTHE)**

24 **FALSE ARREST**

25 3.1 Robbins restates and realleges paragraphs 1.1 through 2.11.

26 3.2 The actions of defendants Benton County, Timothy Dunn, David
27
28

1 Clark, Wade Forsythe, and their agents constituted false arrest. Said Defendants or
2 their agents acted with actual or pretended legal authority and unlawfully restrained
3 or imprisoned Robbins.
4

5 3.3 Benton county is vicariously liable for the acts of its agents.
6

7 3.4 As a proximate result of said false arrest, Robbins suffered
8 damages in an amount to be proven at trial.
9

10 **IV. SECOND CAUSE OF ACTION**
11 **(AGAINST BENTON COUNTY, TIMOTHY DUNN,**
12 **DAVID CLARK, and WADE FORSYTHE)**

13 **FALSE IMPRISONMENT**

14 4.1 Robbins restates and realleges paragraphs 1.1 through 3.4.

15 4.2 The conduct of defendants Benton County, Timothy Dunn, David
16 Clark, Wade Forsythe, and their agents constituted false imprisonment. Robbins was
17 restrained or imprisoned without legal authority.
18

19 4.3 Benton county is vicariously liable for the acts of its agents.
20

21 4.4 As a proximate result of said false imprisonment, Robbins suffered
22 damages in an amount to be proven at trial.
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**V. THIRD CAUSE OF ACTION
(AGAINST ALL DEFENDANTS)**

NEGLIGENCE

5.1 Robbins restates and realleges paragraphs 1.1 through 4.4.

5.2 The agents of Yakima County owed a duty to Robbins to maintain an accurate record system and remove invalid warrants from the system or not cause to issue invalid warrants.

5.3 The agents of Benton County owed a duty to Robbins to not arrest, restrain, or imprison him without legal authority.

5.4 The agents of Benton and Yakima counties breached their respective standards of care and were negligent.

5.5 Benton County and Yakima County are vicariously liable for the negligence of their agents.

5.6 As a proximate result of said negligence, Robbins suffered damages in an amount to be proven at trial.

**VI. FOURTH CAUSE OF ACTION
(AGAINST TIMOTHY DUNN, DAVID CLARK, and WADE FORSYTHE)**

VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)

6.1 Robbins restates and realleges paragraphs 1.1 through 5.6.

6.2 Under color of state law, Timothy Dunn, David Clark, and Wade

1 Forsythe deprived Robbins of rights afforded to him under the Constitution.

2
3 6.3 As a proximate result, Robbins suffered damages in an amount to
4 be proven at trial.

5
6 **VII. DAMAGES AND PRAYER FOR RELIEF**

7 7.1 As a proximate result of said false arrest, false imprisonment,
8 negligence, and violation of civil rights , Robbins suffered damages in the form of
9 economic losses, together with other actual damages, including general compensatory
10 damages, due to being subjected to said tortious conduct and violations of law.
11

12 WHEREFORE, Robbins prays for damages as aforesaid, together with
13 punitive damages under 42 U.S.C. § 1983, costs of this action, and reasonable
14 attorney's fees pursuant to 42 U.S.C. § 1988(b), prejudgment interest on any
15 liquidated sums, and any other relief as the Court deems just and equitable.
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17

18 RESPECTFULLY SUBMITTED this 24th day of February, 2006.

19 s/Stewart R. Smith
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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2006, I electronically filed Amended Complaint with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Rea L. Culwell
Senior Deputy
Benton County Prosecuting Attorney
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s/ Stewart R. Smith
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